

Annual Report

2008 Fiscal Year

July 1, 2007 through June 30, 2008



Rhode Island Commission for Human Rights

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“The practice or policy of discrimination against individuals ... is a matter of state concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, and undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public safety, health, and welfare.

It is hereby declared to be the public policy of this state to foster the employment of all individuals in this state in accordance with their fullest capacities ... and to safeguard their right to obtain and hold employment without such discrimination.

The right of all individuals in this state to equal employment opportunities...is hereby recognized as, and declared to be a civil right.”

From R.I. Public Laws 1949, ch. 2181, by which
the Commission for Human Rights was created and empowered



STATE OF RHODE ISLAND
COMMISSION FOR HUMAN RIGHTS

Chair
Dr. John B. Susa

January 30, 2009

Commissioners

Iraida Williams
Camille Vella-Wilkinson
Alton W. Wiley, Jr., Esq.
Alberto Aponte Cardona, Esq.
Rochelle Bates Lee
Nancy Kolman Ventrone

Chair Emeritus
Marguerite A. Beaubien

Commissioner Emeritus
Joaquin F. Gomes

Executive Director
Michael D. Évora, Esq.

The Honorable Donald L. Carcieri
Office of the Governor
State House, Room 222
Providence, RI 02903

Dear Governor Carcieri:

It is with sincere pleasure that I submit to you the latest Annual Report of the Rhode Island Commission for Human Rights (Commission).

The Report conveys essential information on the program activities of the Commission during the 2008 fiscal year, including charge intake, charge investigation, administrative hearings and final case dispositions. In addition, the Report offers a summary of agency Decisions and Orders, an update on education/outreach efforts, a summary of enforcement/court actions undertaken by Commission counsel and highlights of caseload accomplishments occurring during what has been an exciting and eventful year.

For the tenth consecutive year, the number of cases processed by the Commission exceeded the number of new cases taken in. Due to this extraordinary accomplishment, the number of open cases carried forward into a new fiscal year has steadily decreased since we entered FY 1999. It is the dedicated, voluntary service of our Commissioners and the zealous efforts of our staff and interns that have enabled us to realize such results, particularly in light of the 0.5 investigative FTE reduction experienced by the Commission during the prior fiscal year.

Finally – and significantly – under the capable direction of Michael D. Évora in his sixth year as Executive Director, a reduction in the Commission's aged caseload of 50 percent was achieved during the 2008 fiscal year.

I hope that you find the Report informative and helpful as you (and the General Assembly) contemplate the resources to be devoted to this vital agency in the future.

Sincerely,

John B. Susa, Ph.D.
Chairperson

FY 2008 HIGHLIGHTS

INTAKE

The Commission took in 409 new charges of discrimination, representing an increase of over 12% from FY 2007. Employment charges made up 82% of intake; housing charges accounted for about 14% of intake. Two percent of intake was in the area of public accommodations and an additional two percent were charges of disability discrimination unrelated to employment, housing or public accommodations.

Charges of disability discrimination predominated, with 114 new cases taken in, representing nearly 28% of intake. Charges of sex discrimination (including pregnancy discrimination and sexual harassment) followed, with 85 new cases taken in, representing nearly 21% of intake.

INVESTIGATIONS

For the tenth consecutive year, the Commission processed more cases than it took in (429 vs. 409).

- Probable Cause was found in nine percent of cases
- No Probable Cause was found in 44% of cases (a substantial number of these cases resulted from the complainant's failure to pursue her/his charge)
- Over 17% of cases settled prior to a determination of Probable Cause or No Probable Cause

ADMINISTRATIVE HEARINGS

The Commission held administrative hearings in seven cases throughout the fiscal year. Among the Decision and Orders issued within the year were those in which: 1) a female Parts Clerk was found to have been the victim of sex discrimination in respect to terms and conditions of employment and termination of employment; and 2) a physician was found to have been the victim of age discrimination and retaliation by his employer.

THE COMMISSION AT THE COURTS

The Commission continued to engage in enforcement efforts in Superior Court to ensure compliance with its previously-issued Decision and Orders.

CASELOAD ACCOMPLISHMENTS

- The Commission's "aged" caseload was reduced by 50%
- The Commission has realized a dramatic decrease in the time taken to process cases. While the average age of a case at closure in FY 2003 was over three years, the average age of a case at closure in FY 2008 was 352 days.

OUTREACH

Commission staff members conducted nearly two dozen outreach/education sessions in the community, reaching hundreds of employers, housing providers and individuals and educating them about their rights and responsibilities pursuant to the state's antidiscrimination laws. In addition, the Commission contracted with a local provider to run informational ads in two Rhode Island cineplexes, reaching an estimated 40,000 moviegoers weekly for one month.

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Commissioners and Staff Members

Commissioners:

John B. Susa, Ph.D., Chair
Alberto Aponte Cardona, Esq.
Rochelle Bates Lee
Camille Vella-Wilkinson
Nancy Kolman Ventrone
Alton W. Wiley, Jr., Esq.
Iraida Diaz Williams

Marguerite A. Beaubien, Chair Emeritus
Joaquin F. Gomes, Commissioner Emeritus

Staff:

Michael D. Évora, Esq., Executive Director
Cynthia M. Hiatt, Esq., Legal Counsel
Francis A. Gaschen, Esq., Legal Counsel
Angela V. Lovegrove, HUD Project Director
Marlene Colón Toribio, EEOC Project Director
Glenn Cardozo, Sr. Compliance Officer
Tina M. Christy, Sr. Compliance Officer
Allison G. Cote, Sr. Compliance Officer
Susan Gardner, Sr. Compliance Officer
Stephen W. Strycharz, Investigator
Jason Flanders, Investigator
Susan Chase Pracht, Investigator
Betsy Ross, Chief Clerk
Lynn Cimaglia, Administrative Aide
Zaida Rivera, Administrative Aide

Overview

The Rhode Island Commission for Human Rights (Commission) was created by the Rhode Island General Assembly in 1949 and is one of the oldest state anti-discrimination agencies in the country. In establishing the Commission, the General Assembly declared that “[t]he practice or policy of discrimination against individuals ... is a matter of state concern”, and observed that “... discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, and undermines the foundations of a free democratic state”. R.I.G.L. § 28-5-2. Through impartial investigation, formal and informal resolution efforts, predetermination conferences and administrative hearings, the Commission seeks to ensure due process for both complainants (charging parties) and respondents, to provide redress for victims of discrimination, and to properly dismiss cases in those instances in which charges of discrimination lack evidentiary support.

The Commission enforces Rhode Island anti-discrimination laws in the areas of employment, housing, public accommodations, credit and delivery of services. The employment and public accommodations statutes prohibit discrimination based on race, color, sex, disability, ancestral origin, religion, sexual orientation, gender identity/expression and age. The housing statute, in addition to prohibiting discrimination on these bases, also prohibits discrimination based on marital status, familial status, status as a victim of domestic abuse, and association with members of a protected class. The credit statute, in addition to prohibiting discrimination on the bases covered by the employment law, also prohibits discrimination based on marital status and familial status. Discrimination in the delivery of services on the basis of disability is prohibited.

The Commission’s major program activities include intake, investigation, conciliation, administrative hearings, enforcement, outreach and education.

The Commission was created and empowered by Title 28, Chapter 5 of the General Laws of Rhode Island (the Fair Employment Practices Act) and has statutory responsibility to enforce the following laws:

- Fair Employment Practices Act (R.I.G.L. § 28-5-1, *et seq.*)
- Fair Housing Practices Act (R.I.G.L. § 34-37-1, *et seq.*)
- Hotels and Public Places Act (R.I.G.L. § 11-24-1, *et seq.*)
- Prevention and Suppression of Contagious Diseases Act (R.I.G.L. §§ 23-6-22 and 23-6-23)
- Civil Rights of People with Disabilities Act (R.I.G.L. § 42-87-1, *et seq.*)
- Equal Rights of Blind and Deaf Persons to Public Facilities Act (R.I.G.L. § 40-9.1-1, *et seq.*)

The Commission is overseen by seven Commissioners who are appointed by the Governor with the advice and consent of the Senate. The Commissioners are not compensated for the services they render to the agency.

In addition to enforcing state laws, the Commission has contractual agreements with the Equal Employment Opportunity Commission (EEOC) and U.S. Department of Housing and Urban Development (HUD) to assist in the enforcement of the following federal laws: Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Americans with Disabilities Act; and Title VIII of the Federal Fair Housing Law.

Given the agency’s limited resources, keeping the Commission robust and effective has been a task shared by the entire staff, Commissioners, interns and volunteers.

PROTECTED CATEGORIES UNDER STATE AND FEDERAL LAW

	EMPLOYMENT		HOUSING		PUBLIC ACCOMMODATION	CREDIT
	State	Federal	State	Federal	State	State
RACE	✓	✓	✓	✓	✓	✓
COLOR	✓	✓	✓	✓	✓	✓
RELIGION	✓	✓	✓	✓	✓	✓
ANCESTRAL ORIGIN	✓	✓	✓	✓	✓	✓
SEX ¹	✓	✓	✓	✓	✓	✓
AGE ²	✓	✓	✓		✓	✓
DISABILITY ³	✓	✓	✓	✓	✓	✓
SEXUAL ORIENTATION ⁴	✓		✓		✓	✓
GENDER IDENTITY OR EXPRESSION ⁵	✓		✓		✓	✓
MARITAL STATUS			✓			✓
FAMILIAL STATUS			✓	✓		✓
STATUS AS A VICTIM OF DOMESTIC ABUSE			✓			

¹ Includes sexual harassment and discrimination on the basis of pregnancy status.

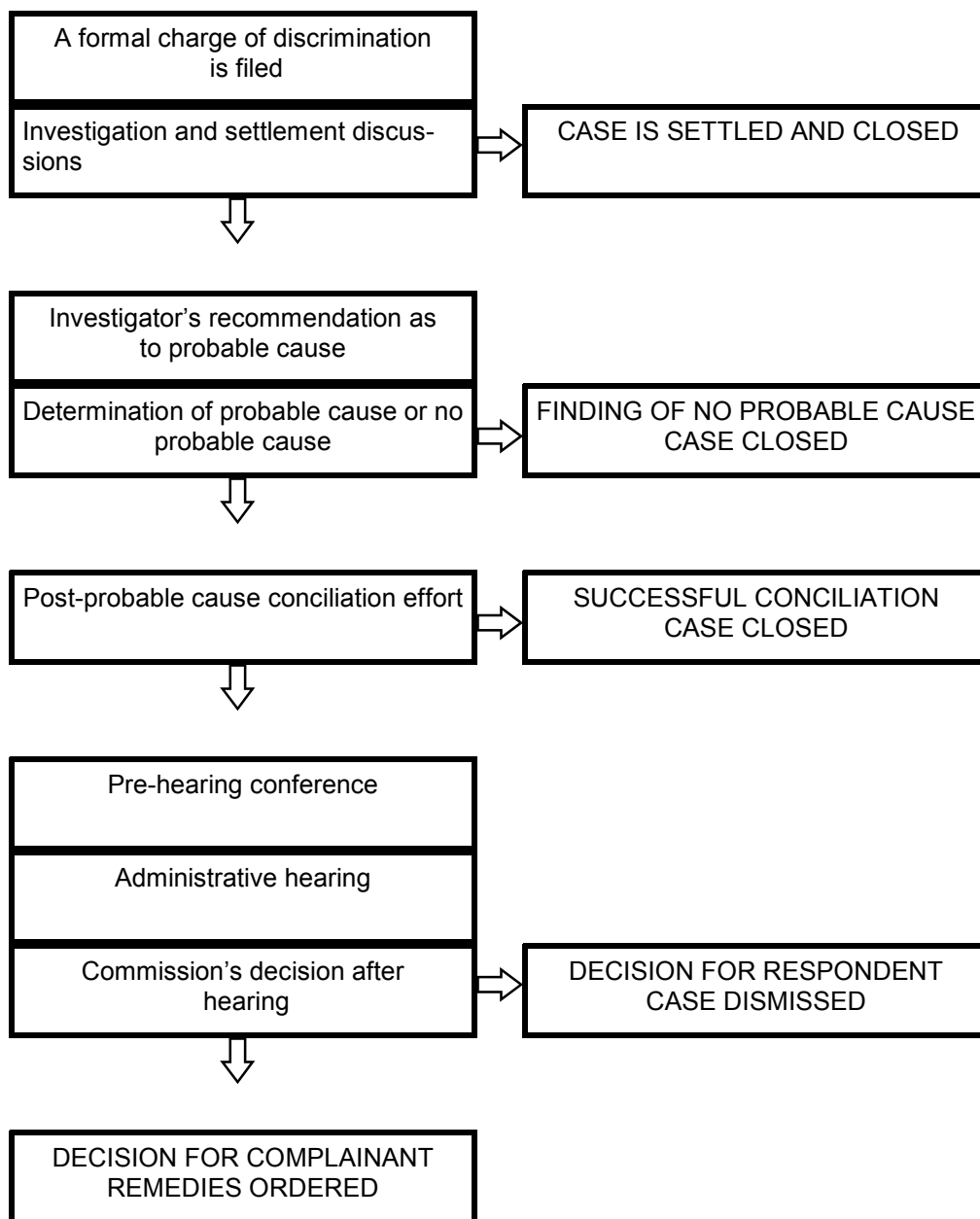
² Protects individuals 40+ years of age in Employment; protects individuals 18+ years of age in Housing, Public Accommodations and Credit.

³ Includes physical and mental disabilities.

⁴ Protects individuals who are heterosexual, homosexual, or bisexual.

⁵ "Gender identity or expression" includes a person's actual or perceived gender, as well as a person's gender identity, gender-related self-image, gender-related appearance, or gender-related expression, whether or not that gender identity, gender-related self-image, appearance, or expression is different from that traditionally associated with the person's sex at birth.

CHARGE PROCESS SUMMARY



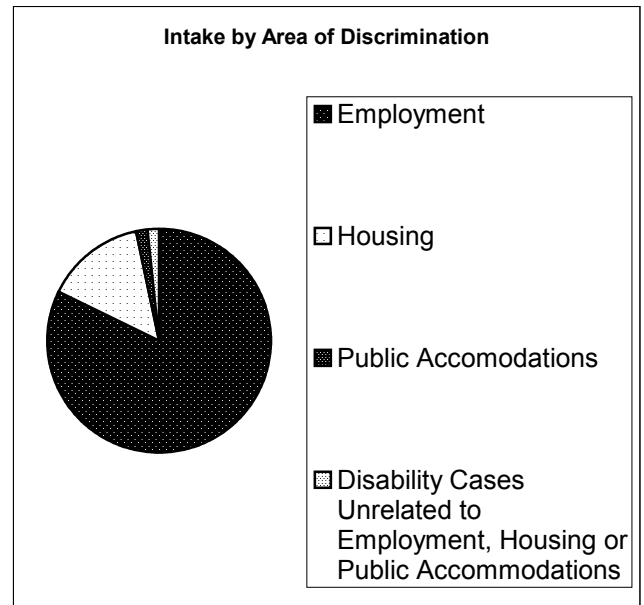
NOTE: Rhode Island law expressly provides that, under certain circumstances, complainants and/or respondents may elect to terminate proceedings before the Commission and have the case heard in Superior Court.

Intake

Inquiries are received and evaluated. If allegations represent a prima facie case and jurisdictional requirements are met, a formal charge of discrimination is filed and forwarded to the respondent.

The intake process usually begins with a telephone call or visit to the Commission. Each year the agency receives thousands of telephone and walk-in inquiries from individuals requesting information or wanting to pursue a charge of discrimination. The majority of these inquiries do not come within the jurisdiction of the Commission and these are referred to other agencies or organizations. In those cases in which the inquiry presents a claim within the Commission's jurisdiction, an intake officer assists the individual in filing a formal charge of discrimination.

As in past years, disability-related claims predominated in this year's intake, with a total of 114 new cases (30 based on mental disability and 84 based on physical disability), accounting for nearly 28% of the annual intake. Sex-based claims followed in number, with a total of 85 new cases, or approximately 21%.



Intake by Basis of Discrimination		
TYPE	NUMBER	PERCENT OF TOTAL
Age	74	18.1
Ancestral Origin	33	8.1
Familial Status	7	1.7
Gender Identity or Expression	2	0.5
Marital Status	1	0.2
Mental Disability	30	7.3
Physical Disability	84	20.5
Race	66	16.1
Religion	5	1.2
Retaliation	9	2.2
Sex	50	12.2
Sexual Harassment	35	8.6
Sexual Orientation	11	2.7
Status as a Victim of Domestic Abuse	2	0.5

INTAKE FY 2008

	Employ- ment	Housing	Public Accom.	Ind. with Disab.*	Credit	Totals
Age	72	2	0	NA	0	74
Ancestral Origin	22	7	4	NA	0	33
Familial Status	NA	7	NA	NA	0	7
Gender Identity or Expression	0	1	1	NA	0	2
Marital Status	NA	1	NA	NA	0	1
Mental Disability	22	5	0	3	0	30
Physical Dis- ability	62	18	0	4	0	84
Race	50	14	2	NA	0	66
Religion	5	0	0	NA	0	5
Retaliation	8	1	0	0	0	9
Sex**	49	1	0	NA	0	50
Sexual Harassment	35	0	0	NA	0	35
Sexual Orientation	11	0	0	NA	0	11
Status as Victim of Domestic Abuse	NA	2	NA	NA	0	2
Total	336	59	7	7	0	409

*Figures in this column reflect charges filed solely under the Civil Rights of People with Disabilities Act.

**Other than sexual harassment 6

Investigations

Upon assignment, an investigator conducts an impartial investigation of the allegations and, after analyzing all elements of the case, makes a recommendation to a Preliminary Investigating Commissioner.

After the intake phase is completed and a formal charge of discrimination is filed, each case is assigned to an investigator. The average time from the filing of a charge to assignment to an Investigator remains eight weeks or less. Most of the Commission's personnel resources are devoted to the investigation process. Over 19% of case closures in FY 2008 resulted from settlements or conciliations.

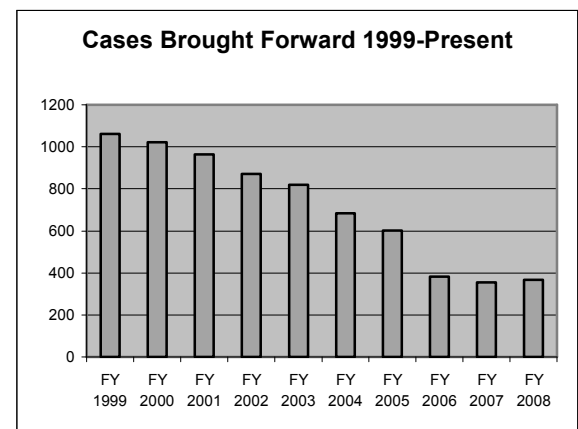
In an attempt to reach a resolution to the charge, investigators may hold preliminary meetings with all parties present. In such cases, a negotiated settlement may be achieved prior to the investigator's recommendation on the merits of the case.

For those cases which do not settle, investigators use a variety of techniques to investigate the case. Often the investigators hold Predetermination Conferences where both complainants and respondents can present evidence to support or refute the allegations. The conferences are held before a Preliminary Investigating Commissioner. A case may involve the collection and analysis of comparative, statistical and/or direct evidence. Investigators may need to travel on-site to collect information and testimony pertinent to the

charge. Not all investigations are alike. The individual characteristics of each case will influence an investigator's approach.

In FY 2008, a determination of "Probable Cause" was rendered in approximately 9% of cases. While the percentage of Probable Cause cases may seem low, it should be noted that many potential Probable Cause cases settle prior to a formal determination as to Cause and some cases in which the complainant requests a right to sue may be Probable Cause cases. A "No Probable Cause" determination was rendered in approximately 44% of cases; a substantial number of these No Cause findings resulted from the complainant's failure to pursue her/his charge by responding to requests for information.

For the tenth consecutive year, the Commission processed more cases than it took in (429 vs. 409), resulting in a continued decrease in the number of cases carried forward to the next fiscal year. "Processed" cases include cases in which a determination of Probable Cause is rendered. Although such cases are not yet closed, they are included in the list of case dispositions to provide an accurate view of the Commission's work.



Case Dispositions

TERMS AND DEFINITIONS

Administrative Closures	Includes cases closed for failure to locate/cooperate, sanctioned dismissals, no jurisdiction, charges withdrawn without benefits, receiverships, bankruptcies, and rights to sue issued when a respondent elects to have the case heard in Superior Court following a finding of probable cause.
Conciliation	Case settled after a finding of probable cause.
Decision and Order	Commission makes a finding after a hearing before the Commissioners. If the decision is for the complainant, remedies are ordered. If it is for the respondent, the case is dismissed.
Failure to Locate/Cooperate	Case administratively closed because complainant could not be found or would not cooperate with the Commission.
Negotiated Settlement	Case formally settled prior to a finding.
No Jurisdiction	Case closed because the Commission has no jurisdiction over the matter.
No Probable Cause	Insufficient evidence exists to support the probability that the complainant was a victim of discrimination.
Probable Cause	Sufficient evidence exists to support the probability that the complainant was a victim of discrimination.
Right to Sue	Complainant is issued a Notice enabling her/him to take the case to court, and the Commission closes the case internally.
Withdrawal	Complainant decides not to pursue the case.
Withdrawal with Benefits	Complainant withdraws the case upon receiving a settlement from the respondent.

Status of Probable Cause Cases FY 2008

Probable Cause cases	37
Respondent's Election to Superior Court	12
Complainant's Election to Superior Court	1
Joint Elections	2
Other closure	4
Open as of 6/30/08 [pending administrative hearing or other closure at the Commission]	18

Case Dispositions FY 2008

Type of Disposition	Dispositions
Decision and Order	3
Probable Cause	37
No Probable Cause	189
Conciliation	9
Negotiated Settlement	9
Withdrawal with Settlement	64
Right to Sue	87
Administrative Closure	31
Total	429

Administrative Hearings

After a “probable cause” ruling, a Commissioner conducts an administrative hearing during which sworn testimony is taken before a stenographer. A Decision and Order is rendered thereafter.

The administrative hearing process begins after the Preliminary Investigating Commissioner finds probable cause and the parties are unable to conciliate. (The parties have the statutory right, after a finding of probable cause, to elect to have the matter heard and decided in the Superior Court; in cases in which no such election is made, the agency’s administrative hearing process commences.) One Commissioner conducts the hearing with the assistance of Legal Counsel. At the hearing, which is less formal than a court trial, witnesses present sworn testimony and relevant exhibits are accepted. A stenographer makes a record of the entire proceeding. After the parties present all their evidence, at least three Commissioners decide the case and issue an order.

A typical hearing lasts from one to three days. For all parties involved, including the Commission, the administrative hearing can be a costly and time-consuming activity. Despite receiving no reimbursement for services rendered, Commissioners consistently

held hearings.

Commission Hearings and Closures FY 2008

Cases in which Hearings were Held	7
Number of Hearing Days	10
Closures of Cases in Hearings	
Total Decision and Orders	3
Decisions for Complainant	2
Decisions for Respondent	0
Mixed Decisions	1
Written decisions on motions (These include motions to dismiss, discovery motions and motions on damages and attorney’s fees.)	13

The following are summaries of the Decision and Orders issued by the Commission in FY 2008:

Brenda Zeigler v. J.J. Gregory & Son
(September 28, 2007)

The complainant alleged that the respondent discriminated against her with respect to terms and conditions of employment and termination of employment because of her sex and in retaliation for opposing unlawful employment practices. The Commission issued a Decision and Order finding that the respondent discriminated against the complainant because of her sex but did not retaliate against her for opposing unlawful employment practices.

The complainant, an experienced parts clerk, began working for the respondent in 2001. The Commission found that the complainant's supervisor,

Mark Darling, treated her differently than her male co-workers. Mr. Darling spoke more harshly to the complainant than he did to her male co-workers, spoke harshly to her in front of customers, which he never did to her male co-workers, monitored her work schedule more closely than he did that of male co-workers, and treated her differently with respect to work attire. The complainant went to the company Vice President to report on the different treatment. The respondent ran a newspaper ad seeking a parts clerk within four days of the complainant's meeting with the company Vice President. Within approximately three weeks of the complainant's meeting with the Vice President, while the complainant was out of work on a medical leave, the respondent terminated her employment.

The respondent gave contradictory reasons for the complainant's termination. The evidence from witnesses for both parties demonstrated that one of the reasons given in investigation – poor work record - was not true. Other reasons given by the respondent were not credible. While the termination letter stated that staffing had to be downsized, the respondent had run an advertisement for a parts clerk two and one-half weeks before the termination letter. After the complainant's termination, Mr. Darling said: "I will never hire another woman" and "Make sure I don't hire any more women". The Commission found that Mr. Darling influenced the respondent to terminate the complainant because of her sex.

In its Decision, the Commission ordered that the respondent offer the complainant the next available position of parts

clerk, pay the complainant back pay, front pay, back benefits and front benefits until she is offered a position. The Commission also ordered the respondent to pay the complainant \$6,000 in compensatory damages, post the Commission anti-discrimination poster and provide training to all managerial and supervisory staff on the anti-discrimination laws.

In a later decision on damages and attorney's fees, the Commission ordered the respondent to pay over \$39,000.00 for back pay and interest accrued to the date of the damages decision. The Commission also ordered that the respondent pay \$8,186.32 in attorney's fees and \$442.21 in costs accrued up to the date of the damages decision.

The Estate of Dr. John Satti [Julia Satti Cosentino, Administratrix] v. State of Rhode Island/Department of Mental Health, Retardation & Hospitals (November 30, 2007)

The complainant alleged that the respondent acted adversely to him and terminated his employment because of his age and in retaliation for his having filed previous charges of discrimination. The Commission found for the complainant.

The complainant, a physician employed by the respondent at Eleanor Slater Hospital, had filed two previous charges against the respondent. With respect to the first charge, the Commission found that the respondent discriminated against the complainant because of his age with respect to hire. In the second case, the Commission found that the respondent had retaliated against the complainant because he

had filed a previous charge of discrimination.

In the instant case, the Commission found that the complainant's supervisor transferred the complainant to a more difficult job assignment in retaliation for his filing previous charges of discrimination and because of his age. While the complainant was on sick leave, he was terminated. When a union arbitrator ordered that the complainant be reinstated to his previous assignment, the complainant's supervisor acted to have the complainant's privileges at the respondent revoked, so that he would not be able to practice at Eleanor Slater Hospital. The supervisor also filed a complaint against the complainant with the state Medical Board which had the authority to restrict or suspend the complainant's license to practice medicine in Rhode Island. The Commission found the respondent's given reasons for these actions to be without credibility and found that the respondent was motivated by retaliation and the complainant's age.

In its Decision, the Commission ordered that the respondent report to the Commission data on the age of physicians hired, employed or separated from employment over the next ten years. The respondent was ordered to provide yearly training to medical supervisory staff on anti-discrimination laws. The Commission also ordered that the respondent develop a written apology for its treatment of Dr. Satti and that this be sent to the respondent's employees. The Commission further ordered that the apology be submitted for publication as a notice in the *Providence Journal* and a medical pub-

lication widely distributed in Rhode Island. The Commission required the respondent to develop an anti-discrimination policy if it did not already have one and to distribute its anti-discrimination policy to its employees. In addition, the Commission ordered the respondent to post the Commission's anti-discrimination poster in its facilities.

The complainant did not seek back pay. The Commission awarded over \$19,000.00 plus interest as compensatory damages. The Commission further ordered \$73,446 for attorney's fees, \$2812.15 in costs and post-judgment interest on the awarded amount of attorney's fees and costs.

Decision on the Request of Rhode Island College for a Bona Fide Occupational Qualification for Two Positions of Housekeeper (February 29, 2008)

The Fair Employment Practices Act prohibits discrimination in employment on the basis of sex, but provides that the Commission may certify a bona fide occupational qualification (BFOQ). A BFOQ allows an employer, in very limited circumstances, to advertise for and hire persons of a particular sex for a position. Rhode Island College (RIC) requested that the Commission certify a BFOQ for two positions of housekeeper at its Recreation Center. RIC wanted a BFOQ so that it could advertise for, and hire, one man and one woman for two positions of housekeeper at the Recreation Center. The respondent wished to have one male housekeeper available to maintain and clean the men's locker room and one female housekeeper available to maintain and clean the women's locker room. The Commission held a public hearing on

the request.

The Commission found that the RIC Recreation Center is open to students, employees and the community. The Recreation Center has separate locker rooms for men and women. Each locker room consists of a large open area. The toilet and shower facilities are within the same areas. Individuals use the locker room to change clothes and shower.

RIC maintained that it is not able to close off part of the locker rooms for routine maintenance/cleaning during its sixteen hours of daily operation. The routine general cleaning takes approximately one and one-half hours. The housekeepers clean the bathroom, shower and locker areas. The Commission found that, on occasion, there is a need for immediate cleaning of the showers and bathrooms.

The Commission found that the patrons of the Recreation Center have a legitimate privacy interest in not being viewed by a member of the opposite sex while using the locker rooms.

The Commission found that RIC did not prove that a BFOQ for gender should be certified. The Commission held that RIC did not establish that it genuinely considered alternatives to a sex-based policy. The Commission held that the evidence presented did not meet "the decidedly heavy burden of showing that there are no reasonable alternatives to sex-based hiring". The Commission provided that RIC could request another hearing to provide more comprehensive evidence.

which was held. In FY09, the Commission certified the BFOQs for the two positions, finding that RIC had demonstrated that there were no reasonable alternatives to a BFOQ to protect the privacy interests of the patrons.

Note: RIC requested another hearing

The Commission at the Courts

The Commission continues to take steps to enforce Commission Decision and Orders. Following are some highlights from fiscal year 2008:

RICHR on behalf of Rossi, et al. v. Attruia and Rite Choice Realty, et al.

A charge alleging racial discrimination in housing in Providence was filed by Mrs. Rossi for herself and on behalf of her minor son. Following an administrative hearing, a decision and award of damages entered in favor of both complainants. Respondent Attruia took no appeal from the Commission decision, but both Rite Choice Realty and the individual landowner did.

Since no appeal was taken by Mrs. Attruia, the Commission filed a complaint for enforcement of its decision in the Superior Court. After judgment entered on behalf of the plaintiffs, the parties agreed to a payment plan in compliance with which Mrs. Attruia made monthly payments. Later, Commission counsel became aware that Mrs. Attruia had filed an unrelated personal injury complaint in the superior court. In response to this information, the Commission filed a motion seeking review of the existing monthly payment plan. Mrs. Attruia agreed to an amended payment Order that prohibited any distribution of funds to her from the recovery in the personal injury case without approval of the Superior Court. Once her personal injury case

settled, Mrs. Attruia made a lump sum payment to the complainants for their claims and another to the State of Rhode Island for the civil penalty that had been assessed against her.

The appeal taken by Rite Choice Realty was pending in Superior Court for several years before the Commission filed a Motion to Intervene as a named party in the appeal. The parties in the appeal consented to the intervention by the Commission. Thereafter, the Commission filed a Motion to Dismiss the appeal for want of prosecution. Facing a dismissal of the appeal, the parties reached settlement with lump sum payments being made to the complainants and the State of Rhode Island for the civil penalty assessed against them.

RICHR on behalf of Martin v. Norman Cardinale, et al.

Ms. Martin filed a charge against Norman Cardinale and his company in Portsmouth alleging sexual harassment and discrimination in employment, including termination. Following a Commission hearing, a decision was rendered on behalf of Ms. Martin from which neither respondent took an appeal. The Commission filed a Petition for Enforcement on behalf of Ms. Martin in Superior Court and a written opinion enforcing the Commission decision was rendered by Ms. Justice Thunberg. Respondent Cardinale then filed, but never perfected, an appeal to the state Supreme Court. Collection efforts on behalf of Ms. Martin currently are underway.

RICHR on behalf of Powell v. Cinotti, et al.

Mr. Powell filed a charge with the Commission alleging racial discrimination in housing in Newport. After the Commission found probable cause in respect to Mr. Powell's allegations but prior to a hearing on his charge, the respondents elected to have Mr. Powell's claim heard outside of the Commission. As a local Fair Housing Assistance Program agency, the Commission has a contract with HUD to investigate all charges alleging discrimination in housing in violation of federal law, such as racially based discrimination. The contract between HUD and the Commission provides that, after one party elects to remove the charge from the Commission, the Commission or the Attorney General represents complainants in court actions. The Commission filed the complaint on behalf of Mr. Powell in the Superior Court and reached settlement with the respondents. A payment of damages was made to Mr. Powell in settlement of his claim.

Accomplishments

AGED CASE REDUCTION

FY 2008 saw a continuing reduction in the number of cases considered "aged" under federal EEOC guidelines. Thanks to the diligent efforts of Commissioners, staff and interns, the aged caseload was reduced by 50% in FY2008, and the Commission entered FY2009 with no new aged cases.

DECREASE IN CASE PROCESSING TIME

In recent years, the Commission has labored to ensure more expeditious processing of cases. The "hands on" role Director Évora has taken in overseeing caseload management, concerted staff efforts and the use of the Commission's subpoena power to expedite stalled investigations are among the tools used to achieve success in this area. The average age of cases closed in FY 2003 exceeded three years. By FY 2006, that time had been decreased to 423 days. For FY 2008, the average age of a case at closure was 352 days.

FIRST-TIME MOVIE ADS

In February 2008, the Commission entered into a contract with ScreenVision to have an outreach advertisement run in two Rhode Island cineplexes: the Providence Place Mall and the Warwick Showcase Cinema. The ad, a ten-second spot advising the public to contact the Commission in the event of discrimination, appeared onscreen before the running of every movie in each of the cineplexes from the end of March to the end of April 2008 and reached an estimated 40,000 moviegoers weekly. The ad was funded by a one-time grant from the U.S. Equal Employment Opportunity Commission.

Outreach

DATE	TOPIC	LOCATION/ GROUP
07/23/2007	Commission Overview and Interactive Discussion on Discrimination	YearUp—Providence RI
9/26/2007	Commission Overview, Employment Discrimination and Sexual Harassment	RIC – DCYF Supervisors & Managers
10/10/2007	General Commission Information	Diversity Job Fair—Providence, RI
10/15/2007	“Should 17 Years Old Be Treated as Adults Criminally?”	Providence, RI
10/16/2007	Youth in Transition: Fair for Youth and Families with Disabilities – Employment and Housing Rights	Warwick Mall
11/10/2007	Fair Housing	RI Housing Fair—Central Falls RI
12/17/2007	Commission overview – emphasis on employment discrimination	YearUp- Providence
1/08/2008	Commission Overview and Interactive Discussion on Discrimination	YearUp-Providence
2/17/08	Commission Overview	River of Life Church, Prov.
2/21/08	Commission Overview and Q&A	NAACP Prov. Chapter - Monthly Mtg.
4/02/2008 and 4/03 2008	Reading Week—Equality	Richmond Elementary School—Richmond, RI
4/7/08	Employment Discrim. – Federal v. State Law	RI Bar Association Labor Subcommittee
4/04/2008	Reading Week—Equality	1 st and 4 th graders--Fogarty Memorial School—Providence, RI
4/12/2008	General Commission Information	Southeast Asian Community Health Fair—Cranston, RI
4/14/2008	Sexual Harassment	Social Work & the Law Class—RI College
4/23/2008	Sexual Harassment	Local 99 of the International Brotherhood of Electrical Workers
4/24/2008	Sexual Harassment	Local 99 of the International Brotherhood of Electrical Workers
4/26/2008	General Commission Information	Southeast Asian Community Health Fair—Wat Lao, Smithfield, RI
4/28/2008	Impediments to Fair Housing	Sponsored by RI Housing—Warwick, RI
4/28/2008	Impediments to Fair Housing	Sponsored by RI Housing—Warwick, RI
6/21/2008	General Commission Information	Pridefest—Providence, RI
6/24/2008	“The Outer Limits of the Fair Employment Practices Act”	Attorney General’s Office—CLE Program, Providence, RI

Federal Agreements

U.S. Equal Employment Opportunity Commission

The Commission has been certified by the U.S. Equal Employment Opportunity Commission (EEOC) as a Fair Employment Practices Agency since 1968. Consistent with Section 706 of the Civil Rights Act of 1964, the Commission is authorized to process charges of employment discrimination which fall under federal as well as state jurisdiction. Each year, the Commission enters into a work-sharing agreement with EEOC under which the Commission is expected to investigate a predetermined number of cases. EEOC reimburses the Commission at a fixed rate for each case closed in compliance with the guidelines spelled out in the agreement. This year, the Commission met its contractual obligation by closing 246 co-filed cases.

U.S. Department of Housing and Urban Development

The Commission continued its relationship with the U.S. Department of Housing and Urban Development (HUD) as defined under the federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968. The Commission enters into an annual contract with HUD for fixed-rate reimbursement for the processing of housing cases filed under both state and federal law. The Commission processed 47 charges of alleged housing discrimination, 43 of which were dual-filed with HUD, and took in a record 59 charges.

FEDERAL FUNDS RECEIVED, FY 2008

EEOC*	Case Processing	\$135,300
	Training/ Transportation	\$ 1,200
HUD*	Case Processing	\$ 91,280
	Administrative Costs	\$ 10,000
	Training	\$ 17,000
TOTAL		\$254,780

*EEOC's fiscal contract year was October 1, 2007 to September 30, 2008. HUD's contract year was July 1, 2007 to June 30, 2008.

Affirmative Action

The Commission's commitment to affirmative action remains constant. In addition to promoting its internal affirmative action plan, the Commission routinely engages in endeavors geared to enrich and diversify the Rhode Island community. Staff members are available to participate in seminars and conferences that address affirmative action as it relates to the Commission's work.

COMMISSION WORKFORCE PROFILE

Category	Employees	Percent
Total Employ-	15 (14.5 FTE)	100
Women	10	67
Racial/Ethnic Minorities	6	40

Interns

High school, college, graduate students and recent graduates receive first-hand experience in the Commission's primary functions through the intern program.

Interns assist in investigations, conduct legal research, perform clerical duties and work independently through a structured program. For their work, interns may earn college credits, stipends through work-study grants, and/or receive compensation from the state Government Internship Program.

INTERNS FALL 2007

Daniel Asiedu	Community College of Rhode Island
Michael Campopiano	Roger Williams University School of Law
Brenna Carmody	Brown University
Lucian Cohen	Brown University
Christine D'Ambra	Roger Williams University School of Law graduate
Darlene de Bont	Community College of Rhode Island
Christopher Jepsen	Providence College
Anne Marie MacPherson	Brown University
Anna Ninan	Brown University
John Pimental	University of Rhode Island
Michael Reyes	University of Rhode Island
Mary St. Jean	Salve Regina University
Melissa Stephenson	Community College of Rhode Island

INTERNS SPRING 2008

Vanessa Avila	Textron Chamber of Commerce Academy
Ruslan Fergansky	Rhode Island College
Erika Oliveira	Gibbs College
Vimala Phongsavanh	Providence College
Crystal Silva	Gibbs College
Jennifer Theodore	Johnson and Wales University

INTERNS SUMMER 2008

Daniel Asiedu	Rhode Island College
Kelly Biringer	Roger Williams University School of Law
Caitlin Bucken	Providence College
Sonaïke Folasayo	University of Rhode Island
Quatia Gonzalez	Community College of Rhode Island
Elizabeth Hardiman	University of Rhode Island
Amy Hogue	Flagler College
Katherine Laff	Southern New England School of Law
Jennifer McElroy	Providence College
Audrey Poore	Tulane University
Owen Rice	Roger Williams University School of Law
Megan Shand	Carnegie Mellon University
Ji-Hee Shin	Brown University
Molly Smith	Community College of Rhode Island
Mollie West	Brown University

